

REMARKS/ARGUMENTS

The claims of this application have been amended and directed to preferred aspects of the disclosure. In general, the relationship with respect to the new claims compared to the claims previously in the application is as follows:

New Claim	Previous Claim
42	38
43	38 + 24
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This Amendment accompanies a Request for Continued Examination (RCE) and addresses issues presented in the Official Action of November 30, 2004.

For clarification of the record and in response to the examiner's comment on page 2, last paragraph of the November, 2004 Official Action, in which it was argued "It is well within the purview of an ordinary artisan to obtain a strain of *Lactobacillus brevis* which can use arginine". The strain of *Lactobacillus brevis* DSM 11988 which is the subject, either directly or indirectly,

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of all of applicant's claims, was not publicly available as of the priority date of the present application. This application has a priority date of June 21, 1999 and the priority of the application disclosing DSM 11988 (now U.S. patent 6,057,854) was made publicly available on August 20, 1999. Applicant has found that this particular strain has unexpectedly high arginine deiminase activity.

Examination of the above claims on the merits is awaited.

Respectfully submitted,

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